

1 **Rule 17. Stay pending review.**

2 Application for a stay of a decision or order of an agency pending direct review in the
3 appellate court shall ordinarily be made in the first instance to the agency if the agency
4 is authorized by law to grant a stay. If a motion for such relief is made to the appellate
5 court, the motion shall show that application to the agency for the relief sought is not
6 practicable, or that application has been made to the agency and denied, with the
7 reasons given by it for denial. The motion shall also show the reasons for the relief
8 requested and the facts relied upon, and if the facts are subject to dispute, the motion
9 shall be supported by affidavits or declarations~~or other sworn statements or copies~~
10 ~~thereof~~. With the motion shall be filed those parts of the record relevant to the relief
11 sought. Reasonable notice of the filing of the motion and any hearing shall be given to
12 all parties to the proceeding in the appellate court. The appellate court may condition
13 relief under this rule upon the filing of a bond or other appropriate security. The motion
14 shall be filed with the clerk and normally will be considered by the court, but in
15 exceptional cases where such procedure would be impracticable due to the
16 requirements of time, the application may be considered by a single justice or judge of
17 the court.

18 *Effective November 1, 2022*

19 **Advisory Committee Note**

20 “Declaration” refers to an unsworn declaration as described in Title 78B, Chapter 18a,
21 Uniform Unsworn Declarations Act.

22 *Adopted 2022*